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UNCLAS SECTION 01 OF 03 ANTANANARIVO 000114

SENSITIVE
SIPDIS

DEPT FOR AF/E JAMES LIDDLE
PARIS FOR WALLACE BAIN
LONDON FOR PETER LORD
NSC FOR MGAVIN

E.O. 12958: N/A

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SUBJECT: AU MOVES TOWARD SANCTIONS, FOLLOWING ICG-M CONDEMNATION

REF: A) ANTANANARIVO 44
B) ANTANANARIVO 97
C) ADDIS ABABA 12

11. (SBU) SUMMARY: On February 19, the African Union's Peace and Security Council (PSC) decided on targeted sanctions against Madagascar's coup leaders, giving them a final deadline of March 16 to implement the 2009 Maputo/Addis accords in good faith. Although France and China blocked such precise language in the final communique during the International Contact Group on Madagascar (ICG-M) the previous day, most of the international community was in agreement that these accords represent the only way forward, and that de facto president Andry "TGV" Rajoelina's political movement is the key impediment to their implementation. There was disagreement in the ICG-M over the extent to which Rajoelina was "showing progress" in his engagement with the international community, but most found recent statements from the de facto GOM to be unhelpful, provocative, and contrary to finding a solution. In the five weeks since the ICG-M had last met in January, there has been no progress in forming a unity government, or in addressing the growing economic and social problems in Madagascar. Senior mediator Joaquim Chissano agreed to try to organize a final round of talks among the four Malagasy political leaders in Addis, possibly starting March 1, to reach agreement on implementation of the Maputo/Addis framework. This credible threat of AU sanctions provides a new and necessary tool to back Chissano's efforts, but we and most other observers here expect TGV to continue to flout the AU and international community, rather than comply. END SUMMARY.

ICG-M: DIVISIONS PERSIST, BUT MAJORITY RULES

12. (SBU) In his January visit to Madagascar, AU Commission Chairperson Jean Ping presented a proposal, based on the 2009 Maputo/Addis agreements, for forming a unity government and organizing credible elections as soon as possible; each of the four movements was to respond within 15 days (ref A). Former presidents Ratsiraka, Zafy, and Ravalomanana responded favorably and on time, while Rajoelina submitted an unacceptable response, several days late. Ping promptly rejected it, stating that it "failed to meet the expectations of the international community", leading Rajoelina to submit a second response, dated February 16. In the interim, both senior mediator Chissano and AU Commissioner Ramtane Lamamra met with delegations from the HAT in Maputo to discuss the proposals, and to coordinate the efforts of the AU and SADC.

13. (SBU) The second Rajoelina response also failed to respond favorably to Ping's proposal. The first (dated Feb 5) had kept COL Camille Vital as PM, questioned the need for the Presidential

Council, proposed that Vital and Rajoelina determine the cabinet composition, eliminated all other transition institutions except the High Council of the Transition (CST, equivalent to the Senate, and, under the Maputo/Addis accords, was to be headed by a Rajoelina appointee), and announced plans to hold elections in May. The second (dated Feb 16) grudgingly accepts the Presidential Council - but empowers Rajoelina to select his co-presidents from lists proposed by Zafy and Ravalomanana. It insists on retaining Vital as PM, and grants him the authority to select ministers from lists proposed by the three opposition movements. As in the first response, it provides for the formation of a CST, but considers the other transition institutions (all to be headed by other political movements) as "unjustified, given the short duration of the transition period". Details on a revised electoral code and the formation of the electoral commission (CENI) are left blurry and essentially in the hands of Vital. Finally, it makes all of these provisions contingent on a commitment that elections for a Constituent Assembly (which was not foreseen in the Maputo/Addis agreements) will be held in May 2010.

14. (SBU) The French delegation, led by MFA A/S for Africa equivalent Stephane Gompertz, took an optimistic view: Rajoelina's continued engagement, and the relative "softening" of his position between the two versions above, was to be encouraged. The AU Commission leadership, senior mediator Chissano, and almost every other delegation present, however, saw the two responses simply as varying degrees of a bad faith effort to appease the ICG while surrendering nothing to the opposition. The delegations from Nigeria, Mozambique, the Democratic Republic of Congo, and Malawi came out forcefully in favor of ending this nearly year-long debacle, and provided an effective balance against French objections that

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ultimately required little assistance from the United States and other European delegations. Deputy Assistant Secretary Karl Wycoff confirmed the USG's intention to follow the AU's lead on sanctions, reiterated US concern about the degrading human rights situation in Madagascar, and raised the need for a specific endpoint should further mediation fail to yield results. Chissano responded specifically to Rajoelina's letters, methodically rebutting each element listed in para 3 before stating that the Feb 16 letter "completely disregarded Ping's [January] compromise". He also added some useful context: Vital had called him the previous night to inform him that "it's up to the ICG to decide if they want to sanction, but we [the de facto government] will find a way around them if you do".

15. (SBU) In its final communique, the ICG-M recognized that Rajoelina's response was "not fully consistent with the proposals for compromise solutions", and empowered Ping and Chissano to resume their work to implement the Maputo/Addis agreements. In the event of continued impasse, it called on members to take measures, possibly "including further sanctions", against those who are impeding progress. The ICG-M continues to agree that elections are the ultimate means to restoring democracy, but recognizes that a functioning and inclusive transition government is a vital step to getting there. This amounted to a firm condemnation of Rajoelina's continued intransigence, did not oblige any members to impose sanctions if they didn't wish to, and left the ball squarely in the AU's court to determine the path forward. Chissano closed the ICG-M on February 18 by stating his intent to convene a final meeting in Addis of Madagascar's four political leaders, possibly starting March 1, to reach agreement on outstanding issues regarding implementation of the Maputo/Addis framework. (Curiously, word of this plan has not become public in Antananarivo.)

AU PEACE AND SECURITY COUNCIL: SERIOUS AT LAST

16. (SBU) The AU PSC met on February 19, with the ICG-M decision in hand, and the day-old military takeover in Niger still ringing in their ears. Ping presented a lengthy report on the situation in Madagascar, recounting the AU's involvement and actions to date, and summarizing the movements' responses (see paras 2 and 3) to his January proposal. He regretted the continued failure to implement the Maputo/Addis agreements, and stated that although responsibility for this failure is shared, "the Rajoelina camp is alone in not

supporting the proposals that [Ping] presented on January 22...and has continued to take unilateral measures which cannot but result in additional difficulties."

¶17. (SBU) Ping called for the AU to "definitively turn the page" on coups d'etat and other forms of unconstitutional change of government, and supported sanctions against the de facto GOM and "all individuals and entities...[which contribute] to the unconstitutional status quo." In its communique, released later that day, the PSC affirmed its support of this view, demanded that the de facto GOM accept the Maputo and Addis agreements, and decided to impose sanctions if "the authorities borne out of the unconstitutional change do not comply" by March 16. These sanctions would consist of three parts; following is a transcription of the specific language presented in the communique. The sanctions would include:

[Begin transcription]

(i) a travel ban against all members of the institutions set up by the de facto authorities borne out of the unconstitutional change and all other individual members of the Rajoelina camp whose actions impede the AU and Southern Africa Development Community (SADC) efforts to restore constitutional order. In this respect, Council decides that these measures shall be without prejudice to exemptions that it may decide to grant, on a case-by-case basis, at its own initiative or upon request, on humanitarian grounds or for requirements linked to the negotiations for a way out of the crisis [...];

(ii) the freezing of funds, other financial assets and economic resources of all individuals and entities contributing, in one way or another, to the maintenance of the unconstitutional status quo and impeding the AU and SADC efforts to restore constitutional order. In this respect, Council decides that these measures shall be without prejudice to exemptions that it may grant, at its own

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initiative or upon request, to facilitate basic needs and expenses [...];

(iii) the diplomatic isolation of the de facto authorities borne out of unconstitutional change, through concerted action by Member States to challenge the participation of the representatives of these de facto authorities in the activities of non-African international organizations, including the United Nations and its agencies and other concerned bodies.

[End transcription]

¶18. (SBU) The PSC communique calls on partners (including the UN, the EU, and the UNSC P5) to support this decision, and refrain from any action which could undermine these efforts. It also instructs the AU Commission, in collaboration with SADC, to "establish the list of individuals and entities [to be sanctioned]", to be delivered to AU member states and partners "if necessary". This list is currently rumored to include 77 individuals, from the de facto presidency, the cabinet, and the 41-member "High Transitional Authority".

FINALLY, A RESOLUTION WITH TEETH

¶19. (SBU) COMMENT: The February 18 meeting of the ICG, and the subsequent meeting of the PSC, benefitted from three key developments since the January 6 ICG-M (ref C). First, it has become increasingly obvious that a rush to elections is not a panacea, and that the structure and composition of the transition government is of vital importance in finding a credible resolution to this crisis. French attempts to define recent developments as "progress" no longer hold much water, and few (if any) in the ICG were swayed by such arguments.

¶10. (SBU) Second, the dynamic between the AU and SADC has improved significantly since then. Chissano found himself sidelined and somewhat ignored in January, whereas this time he was seated next to Ping and Lamamra on the dais, with a strong and equal voice in

leading the discussion. This allows the AU (Ping) to comfortably retain political control over the process, while enabling SADC (Chissano) to engage in the direct mediation, without stepping on each other's toes.

¶11. (SBU) Third, in addition to its focus on stopping unconstitutional changes of government in Africa, the AU discussed Madagascar in its recent 14th Ordinary Session of the Assembly, and "expressed deep concern over the continuing political crisis" in the country. The Assembly decision to affirm support for the Maputo/Addis agreements, and for AU and SADC efforts to seek their implementation, gave the ICG and the AU Commission yet another reference point and basis for determining their next steps.

¶12. (SBU) These ICG-M and AU PSC decisions give Chissano a useful and necessary tool for a final attempt at mediation, backed up now by a credible threat of sanctions. Unfortunately, Rajoelina remains in a precarious position atop a fractious political alliance and under continuous threat from hardliners strongly opposed to further concessions. The new threat of sanctions is therefore unlikely, in our view and that of most observers here, to change his position regarding Maputo/Addis (ref B). Rajoelina has not made any public statements since the ICG-M, although media reports indicate that he still plans on elections in May. END COMMENT.

¶13. (U) This cable was cleared by Joel Maybury (USAU), but was not reviewed by Deputy Assistant Secretary Wycoff (AF).

MARQUARDT